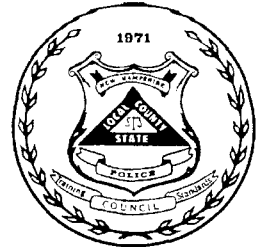




Sheriff Michael L. Prozzo, Jr.
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
ARTHUR D. KEHAS
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Donald L. Vittum
Director

Approved Minutes

June 25, 2013

The 431st meeting of the New Hampshire Police Standards and Training Council was called to order at 9:10 a.m. by Vice Chairman William Wrenn, in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Vice Chairman William Wrenn, New Hampshire Department of Corrections; Attorney General Joseph Foster; Sheriff David Dubois, Strafford County; Chief Peter Morency, Berlin Police Department; Major Russell Conte, New Hampshire State Police; Chief Anthony Colarusso, Dover Police Department; Chief James Sullivan, Hampton Police Department and Judge James Carroll, 4th Circuit District Division, Laconia (arriving at approximately 9:20 a.m.).

Members Absent: Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; Vice Chancellor Ronald Rioux, Community College System of New Hampshire; Chief David Cahill, Sunapee Police Department and Chairman Michael J. Prozzo, Jr., Sheriff of Sullivan County.

Staff Present: Director Donald L. Vittum, Captain Mark Bodanza, Chief (ret.) Timothy Merrill, Anne Paquin Investigative Paralegal.

Guests Present: Chief Stuart Chase, Wolfeboro Police Department, with members of the Wolfeboro Police Commission, Mr. Ronald Goodgame and Mr. Robert Copeland.

Approval of Minutes

Chief Morency **moved** for the Council to approve the minutes of May 28, 2013. The motion was seconded by Chief Sullivan and the Council members voted unanimously in favor of the motion, 7-0.

New Business

Chief Stuart Chase of the Wolfeboro Police Department was present with members of the Wolfeboro Police Commission. The Commission was present to request an RSA 188-F:27, III-j waiver for Chief Chase for the three year fitness requirement.

Captain Bodanza began by presenting a timeline to Council members, the timeline summarized Chief Chase's employment with Wolfeboro and his history regarding three year fitness testing. Captain Bodanza stated that an *employer* must request a waiver for an employee, the employee could not request a waiver on their own.

Mr. Ronald Goodgame and Mr. Robert Copeland represented the Wolfeboro Police Commission and addressed the Council, thanking them for the opportunity to address them. Mr. Goodgame stated that in his opinion, Chief Chase was the best police chief that Wolfeboro had ever had, and that he hoped the Council would consider granting the request for a RSA 188-F:27, III-j waiver.

Director Vittum stated that the information provided by Wolfeboro had been reviewed by the staff, and the staff felt that the information was adequate, and that the waiver was appropriate.

Motion by Sheriff Dubois, seconded by Chief Sullivan, to grant Chief Stuart Chase the RSA 188-F:27, III-j waiver, without time limit. The Council vote was unanimously in favor of the motion 7-0.

Previous and/or Unfinished Business

Firearms Awards, this item will be tabled until the July 23, 2013 meeting.

Rockingham County, request for PSTC ID numbers, the requested information was provided to Rockingham County.

Pol 301.05 Committee; Chief Sullivan explained this committee was assigned to review the rule, he had no information at this time.

New Business

Election of Vice Chairman

RSA 188-F, III. The governor shall designate a member to be the chairperson of the council, and the council shall elect annually its vice chairperson from among the members of the council.

Motion by Chief Sullivan to nominate Commissioner Wrenn, the motion was seconded by Chief Morency, council members vote was unanimously 7-0 in favor of the motion

Radar Training Agency Practical Review

Captain Jean informed Council members that PSTC has been providing eight hours of radar training. It has also been a requirement that officers who complete the training, then are required to receive a minimum of 32 hours of practical field training with their own agency. The additional practical training must be completed within 6 months of the PSTC class in order to receive a course completion and a radar operator card. If the person does not complete the 32 hours of practical training, they would be required to take the class over.

It is not clear exactly when this practical requirement was put into effect, but it has been done since at least the 1980's.

Most departments have field training programs with their new officers where they would incorporate this radar training into it.

PSTC also now provides a seven hour training on lidar, completion of the lidar training does not include any additional field practical time that PSTC currently requires for radar certification.

The staff is requesting that the Council consider the elimination of the 32 hours of field practical requirement for radar training to make it consistent with lidar. Once the training is successfully completed at PSTC, officers would receive a course completion notice. Staff also requests the elimination of the issuance of numbered cards to successful students, which would free up administration time.

Judge Carroll asked if the manufacturer required officer's field training before certification? Captain Jean answered that the last instructors sent to IPTM for training in radar and lidar, that particular curriculum did not require a practicum, however he did not have the answer regarding manufacturer requirements.

Attorney General Foster asked about case law, Captain Jean stated that there was none that he was aware of.

Sheriff Dubois asked that if the 32 hour requirement of additional training was eliminated, would the individual be a certified radar operator after completing the class at PSTC? Captain Jean responded that the cards issued stated that the person had completed the training, but not that they were "certified". The card states, "successfully completed a training course in the operation of doppler radar conducted by New Hampshire Police Standards and Training Council". The card was not issued until the person completed the 32 hours of practical training.

Captain Jean went on to state that the staff's recommendation would be that they no longer issue cards, but instead supply course completion documents.

Chief Colarusso asked about the Breath Test Operator course, and if it was conducted similarly, requiring six months of practical training before certificates were issued? Captain Jean responded, no, that it was not the same.

Motion by Sheriff Dubois to eliminate the practice of requiring 32 hours of practical experience with radar before the issuance of radar completion documents, the motion was seconded by Chief Colarusso.

When Commissioner Wrenn asked for further discussion on the matter, Judge Carroll responded, stating that in his position, he found it helpful when officers could provide proof of radar instruction with their radar cards. Major Conte had similar comments, indicating that the radar cards with their unique numbers were something that was consistently carried.

Sheriff Dubois amended his **motion**; to eliminate the practice of requiring 32 hours of practical experience with radar before the issuance of radar completion documents, staff would continue to issue radar cards and instead of a “unique” number, the officer’s PSTC identification number would be added to the radar course completion cards. The motion was seconded by Chief Colarusso, with a unanimous vote by Council members 7-0.

The sheriff went on to inquire if the chiefs’ would be apprised of this new procedure, that the 32 hours of practical training will not have to be recorded by PSTC; however the department’s field training program should maintain the process. Council members agreed that the agencies should be notified about the change in the process and Director Vittum confirmed that there would be notification.

Consent Calendar

Motion made by Chief Sullivan, seconded by Chief Morency, to approve the consent calendar, including an addendum item, Matthew Tyler of Newcastle Police Department’s request for an academy extension, excepting the matter of Dennis Rector (request consideration for Full Time police officer certification based on prior training and experience; Director Vittum asked that this item be removed from the consent calendar in order for it to be discussed separately) and with Chief Colarusso recusing himself from the Dover Police grant item. Council vote was unanimously in favor of the motion, 7-0.

PT&E Requests

Officer Richard Bailey, Hollis Police Department
(DOH: 05/20/13) **Will be granted certification upon successful completion of the medical exam, and entrance fitness test.**

Requests for Extensions

Note: Extensions granted until fitness testing for requested Academy, and, if testing is successful, through the end of the requested Academy.

Full Time Police Officer Academy

162nd Academy September 16, 2013 to December 20, 2013; entrance fitness test September 3, 2013

163rd Academy January 6, 2014 to April 10, 2014; entrance fitness test December 6, 2013.

Part-Time Police Officer Academy

264th Academy June 15, 2013 to August 2, 2013; entrance fitness test June 1, 2013.

265th Academy August 10, 2013 to November 9, 2013; entrance fitness test July 27, 2013. (Extension Full Time)

Officer Robert E Mozer, Jr., Deerfield Police Department

(DOH: 4/17/13 is Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Mozer must remain actively enrolled in the 162nd academy.

Officer Charles Johnson, Hinsdale Police Department

(DOH: 01/28/13 Not Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Johnson must remain actively enrolled in the 162nd academy and may continue working only in the direct presence of a certified officer.

Officer Joshua Murray, Hinsdale Police Department

(DOH: 05/06/13 Not Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Murray must remain actively enrolled in the 162nd academy and may continue working only in the direct presence of a certified officer.

Officer Claire Briggs, Wakefield/Brookfield Police Department

(DOH: 05/13/13 Not Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Briggs must remain actively enrolled in the 162nd academy and may continue working only in the direct presence of a certified officer.

Officer Christopher Dustin, Wakefield/Brookfield Police Department

(DOH: 04/29/13 Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Dustin must remain actively enrolled in the 162nd academy.

Officer Richard Jimenez , Keene Police Department

(DOH: 04/15/13 Not Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Jimenez must remain actively enrolled in the 162nd academy and may continue working only in the direct presence of a certified officer.

Officer William Byrne, Chichester Police Department

(DOH: 06/09/13 Not Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Byrne must remain actively enrolled in the 162nd academy and may continue working only in the direct presence of a certified officer.

Officer Alan Lowe, Claremont Police Department

(DOH: 02/14/13 Not Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Lowe must remain actively enrolled in the 162nd academy and may continue working only in the direct presence of a certified officer.

Officer Mark Pierce, Lee Police Department

(DOH: 03/04/13 Not Part-time certified) Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 162nd Full Time Academy with the stipulation that Officer Pierce must remain actively enrolled in the 162nd academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds (Balance: \$12,606.50)

Mont Vernon Police Department Will be granted \$483.33 for Sgt Aaron Daigneault to attend the FBI LEEDA command institute by Hampton Police Department, from September 9, to September 13, 2013.

Hollis Police Department Will be granted \$1,000.00 for Lt. Richard Mello to attend the Executive Development Course by Roger Williams University, Portsmouth RI, from October 7 to October 10 and November 11 to November 14, 2013.

Bedford Police Department Will be granted \$1,000.00 for Lt Scott Plumer to attend the Mid Management Course by Roger Williams University, Portsmouth RI, from October 28 to November 1 and November 4 to November 8, 2013.. (Pages 57-60)

Dover Police Department Will be granted \$825.00 for Officer Edward Pike to attend the Medicolegal Death Investigator Training at the St. Louis University Department of Pathology, St. Louis, MO from September 8 to September 13, 2013.

Requests for medical extensions for fitness testing.

The following officers were granted additional medical extensions:

2011 Fitness date

Eric Goyette, New Hampshire Department of Corrections

Michael Feinauer, New Hampshire State Police

Jason Wyatt, New Hampshire Department of Corrections

2012 Fitness date

Brian Landry, Windham Police Department

John Minichiello, Hancock and Candia Police Departments

Paul Cote, New Hampshire Department of Corrections

Michael Bouton, Whitefield Police Department

Patrick Payer, Campton Police Department

Aaron Chapple, Northfield Police Department

Scott Ciszek, Nashua Police Department

NON CONSENT

Officer Dennis Rector, Northwood Police Department,

(DOH: 05/21/13) requests consideration for Full Time police officer certification based on prior training and experience. Officer Rector completed his full time certification on March 20, 1997, the 111th Full Time Academy Law Package. He was last employed by the Gilmanton Police Department until March 8, 2011. **Staff recommends granting certification upon successful completion of the medical exam, and entrance fitness test.**

Council members discussed this request. Dennis Rector was last employed by the Gilmanton Police Department where he was discharged for an allegation of a form of harassment. Dennis Rector filed an appeal of his discharge at the Belknap County Superior Court and the town of Gilmanton reinstated him, he then resigned immediately.

Motion by Sheriff Dubois seconded by Chief Colarusso to approve the staff recommendation on Dennis Rector. Council voted 6-0 in favor with Judge Carroll abstaining from the vote.

Sean Welch, Wakefield

Chief Merrill stated that he had received a phone call from Chief Fiffield who was withdrawing his request for certification based upon prior training and experience for Sean Welch.

Northumberland Police Department requests funds for Officer Nessa Platt to attend the Crimes Against Children Conference held at the Sheraton Dallas Hotel in Dallas TX from August 11 to August 15, 2013. No staff recommendation due to the “conference” category.

This item is non consent due to the Council’s policy of not funding conferences. Representative of the Northumberland Police Department were expected at the meeting but were not in attendance.

Council members began a discussion on this request, with Commissioner Wrenn stating that he would like to know which classes that the officer wanted to attend, as well as the availability of child advocacy in the Northumberland area, what would the value be to that area?. The Council policy has been to deny requests to attend conferences as they are 'wide open' and "sometimes get to be vacation".

Motion by Chief Sullivan to deny the request from the Northumberland Police Department to attend the Crimes Against Children Conference. The motion was seconded by Major Conte and the Council vote on the motion was 7-0 in favor.

Other New Business

Commissioner Wrenn addressed Council members about an evaluation of Director Vittum. He asked for a subcommittee to prepare a review. Chief Colarusso will chair the committee and be joined by Sheriff Dubois, Chief Cahill and Colonel Quinn. They will be prepared for the August Council meeting.

Corrections Curriculum – Captain Bodanza

Captain Bodanza spoke about the changes that have been made to the Correction's Curriculum for the next Correction's Academy, the 96th which will run from September 3 through November 1, 2013. There are classes that have been removed or shortened and some that have been lengthened and new classes added. The reasons given were that there was one less holiday during this academy than the last, and that the Department of Corrections had removed the civilian employee training. The academy is nine weeks and eight and a half hours have been added.

Motion by Chief Morency to accept the changes to the Corrections Academy Curriculum, the motion was seconded by Judge Carroll, with a unanimous vote by Council members 7-0.

Training Calendar – Captain Jean

Captain Jean reviewed the new fiscal year Training Calendar, the new calendar of training classes is slated to begin on July 1, 2013 through June 30, 2014. This calendar is very similar to past calendars, it includes several mental health classes as well as a progressive three year cycle of crash investigation classes.

New classes that have been added to the calendar listing include Airborne Liason Officer, Directed LE Operational Planning Execution and Debriefing and Shotgun operator for the Street Officer.

Language has been added to the training calendar that states clearly, the Council will not provide grant funding for any conferences.

Some classes that ran last year having poor attendance were eliminated, they may be built into a cycle as well, if there is saturation of a particular class.

Director Vittum stated that the funding and budget for PSTC has a direct impact on the classes that are being held.

Motion by Chief Sullivan to approve the training calendar, the motion was seconded by Chief Colarusso, the Council voted unanimously in favor of the motion, 7-0.

Laurie Listing – Nancy Smith AGO advice

Nancy Smith, the Council's attorney, had been asked via email from Chief Merrill, what responsibility or obligation does the Council have for conduct of officers. "Laurie" matters that may be made known to the Council during a hearing.

Discussion ensued on this subject. It was the consensus that Police Standards and Training Council was not an employer, any Laurie issue regarding officer's should be between the agency in question's Chief and the Attorney General's office. This is the same advice received in the past from PSTC's attorney and the law enforcement manual, per Ann Rice.

Director Vittum stated, "we are not a state IA division".

Medical Extensions for Fitness Testing expired June 30, 2013

Chief Merrill explained that there were some individuals with outstanding medical extensions which would expire on June 30th. He asked if staff should use the same protocol as in the past few years and accept copies of requests up until the expiration date and add to the July agenda, and also that officers in this category would be allowed to work up until the July meeting.

Motion by Chief Sullivan, seconded by Chief Morency to all staff to accept requests for medical extensions up until June 30, 2013 and allowing officers to work up until the date of the July meeting. Council voted in favor of the motion 7-0.

Next Meeting Date/Adjournment

The next regular meeting of the Council, #432, is currently scheduled for Tuesday, July 23, 2013, at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Motion to adjourn at 10:20 a.m. by Chief Sullivan, seconded by Chief Morency, a unanimous vote by Council members 7-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William Wrenn', written over a horizontal line.

Vice Chairman William Wrenn